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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 CYRUS Y. KIM,

10 Plaintiff,

11 v.

12 CITY OF FEDERAL WAY,

13 Defendant.

No. C08-0688JLR

ORDER

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15 This matter comes before the Court under Local General Rule 8(c). Plaintiff has
16 filed a third “Motion for Recusal” in the above-captioned matter. Dkt. # 34. Plaintiff argues that
17 the Honorable James L. Robart, United States District Judge, incorrectly decided a discovery
18 dispute, “giving unfair advantage, favor, and preference to the defendant.” Dkt. # 34 at 1. Judge
19 Robart declined to recuse himself voluntarily and referred the matter to the Chief Judge. Dkt.
20 # 40. Plaintiff’s request is therefore ripe for review by this Court.

21 Plaintiff simply disagrees with the presiding officer’s resolution of a discovery
22 dispute: such challenges are properly raised through an appeal, not a motion to recuse. Where
23 the only evidence of bias presented is the judge’s prior decisions, the risk that the litigant is
24 using the recusal motion for strategic purposes is considerable. See Ex Parte American Steel
25 Barrel Co. and Seaman, 230 U.S. 35, 44 (1913). Plaintiff has not shown that Judge Robart’s
26 decisions were so contrary to law or fact that they must be the result of prejudice, nor has he

ORDER

1 identified an extrajudicial source of prejudice. He has therefore not met his burden of showing
2 an appearance of bias. Because Judge Robart's impartiality cannot reasonably be questioned,
3 plaintiff's request to remove Judge Robart from this matter is DENIED.

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5 Dated this 27th day of April, 2009.

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8 Robert S. Lasnik
9 Chief Judge, United States District Court
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